

**Notice of Allowability**

Application No.

09/864,198

Applicant(s)

DES CHAMPS, NICHOLAS H.

Examiner

Mark Fadok

Art Unit

3625

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/18/2006.
2. ☒ The allowed claim(s) is/are 1,2 and 5-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 3/13/2006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

The examiner is in receipt of applicant's response to office action mailed 11/15/2005, which was received 1/18/2006. Acknowledgement is made to the amendment to claims 1,4,6,15,16, and the addition of claims 18-20, leaving claims 1-20 as pending in the instant application. The examiner notes that now drawings have been provided with the application. Applicant's arguments and amendments have been carefully considered and were found to be persuasive, therefore the following reasons for allows follows:

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Clyde I. Coughenour on 2/29/2006.

#### **Claim 1**

In line 15, after "product needs" insert--negotiating agreements between said first parties and said second parties for offers made, and processing offers from said first parties to perform work for said second parties; fabricating said first fabricators needs and said second user parties needs in one continuous operation--

**Delete claims 3 and 4**

**Claim 6**

In line 6, after "said responses" delete "may be"

***Allowable Subject Matter***

Claims 1,2,5-20 are allowed.

The following is an examiner's statement of reasons for allowance of independent claims 1:

**Regarding claim 1**

The prior art of record neither anticipates nor fairly and reasonably teaches a procedure for "fabricating said first fabricators needs and said second user needs in one continuous operation", the method system and article of manufacture comprising, *inter alia*, selling the excess material from an first fabricator's run to a second party and combining them in one fabricating process.

Discussion of most relevant art:

### **US Patents and PG-PUB**

(i) US PG Pub to Stewart (2001/0049634) discloses a method for selling excess material over the internet. Stewart, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

(ii) US Patent to Nakayama et al (6,917,848) discloses a method for programming additional jobs to on hand to utilize excess printed wiring board blocks. Nakayama, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

(iii) US Patent to Susnjara (6,580,963) discloses a method for tracking excess material for later utilization. Susnjara , however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

(iv) US Patent to Linstrom et al (6,397,122) discloses a method for maximizing the layout of punch blank. Linstrom, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

(v) US PG Pub to Abhyanker (2002/0133416) discloses a method for recapturing the value of used goods over the internet. Linstrom, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

### **Foreign Patent Documents**

(ii) WO 2004/051523 to Caron et al. teaches a method for optimizing parts to be

cut out. Caron however, fails to anticipate or render the application's above-mentioned limitation(s) obvious.

### **Non-Patent Literature**

(iii) Pickham teaches improving efficiency through the use of CNC cutting machines, however, Pickham fails to anticipate or render the application's above-mentioned limitation(s) obvious.

Any comments considered necessary by the applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(571) 272-6755**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **receptionist** whose telephone number is **(571)**

**272-3600.**

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

**Alexandria, Va. 22313-1450**

or faxed to:

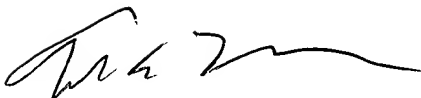
**(571) 273-8300** [Official communications; including

After Final communications labeled

"Box AF"]

**(571) 273-6755** [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]



Mark Fadok

Primary Examiner